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LICADHO

CAMBODIAN LEAGUE FOR THE
PROMOTION AND DEFENSE OF
HUMAN RIGHTS

CHILDHOOD BEHIND BARS:

GROWING UP IN A CAMBODIAN PRISON
SOKUN'S STORY

A report issued in
October 2013



Childhood Behind Bars:

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CAMBODIAN LEAGUE FOR THE PROMOTION
AND DEFENSE OF HUMAN RIGHTS

CAMBODIAN LEAGUE FOR THE PROMOTION AND DEFENSE OF HUMAN RIGHTS (LICADHO)

LICADHO is a national Cambodian human rights organization. Since its establishment in 1992, LICADHO has been at the forefront of efforts to protect civil, political, economic and social rights in Cambodia and to promote respect for them by the Cambodian government and institutions. Building on its past achievements, LICADHO continues to be an advocate for the Cambodian people and a monitor of the government through wide ranging human rights programs from its main office in Phnom Penh and 12 provincial offices.

MONITORING & PROTECTION



Monitoring of State Violations and Women's and Children's Rights:

Monitors investigate human rights violations perpetrated by the State and violations made against women and children. Victims are provided assistance through interventions with local authorities and court officials.

Medical Assistance & Social Work:

A medical team provides assistance to prisoners and prison officials in 14 prisons, victims of human rights violations and families in resettlement sites. Social workers conduct needs assessments of victims and their families and provide short-term material and food.

Prison Monitoring:

Researchers monitor 18 prisons to assess prison conditions and ensure that pre-trial detainees have access to legal representation.

Paralegal and Legal Representation:

Victims are provided legal advice by a paralegal team and, in key cases, legal representation by human rights lawyers.

PROMOTION & ADVOCACY

Supporting unions and grassroots groups and networks:

Assistance to unions, grassroots groups and affected communities to provide protection and legal services, and to enhance their capacity to campaign and advocate for human rights.

Training and Information:

Advocates raise awareness to specific target groups, support protection networks at the grassroots level and advocate for social and legal changes with women, youths and children.

Public Advocacy and Outreach:

Human rights cases are compiled into a central electronic database, so that accurate information can be easily accessed and analyzed, and produced into periodic public reports (written, audio and visual) or used for other advocacy.

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COVER: A girl living in prison with her mother peers through a chain-link fence at CC2 prison in Phnom Penh.



A child in prison, seen during a celebration to mark International Children Rights Day in CC2 on June 1, 2011.

Introduction



In Cambodia today there are many young children living in prison with their mothers¹ yet there is little understanding amongst authorities and society at large of the short and long term impact of prison life on children. In this, Cambodia is not alone – to date there are only a few studies of the effects on children who spend their early years behind bars.

Prisoners are among the most marginalized groups in any society, and Cambodia is no different. They are cut off from society, both physically and emotionally. This is especially devastating for children who are not prisoners but are too often treated as such. The reality of Cambodian prisons is harsh for anyone, but for a child it can be devastating.

Even though they remain close to their mothers and can profit from mother–child bonding in their early years, children who stay in Cambodian prisons are deprived of other basic elements of childhood such as community, friends and the space to learn through direct experience.

This is the first in a series of case studies to be issued by LICADHO assessing the impact on children of growing up in Cambodian prisons. The series aims to provide a greater, in-depth understanding of the physical and psychological consequences for children who have lived with their mother in prison.

With these reports, LICADHO aims to create a broader understanding, particularly amongst Cambodian judicial and prison authorities, of when it is appropriate and reasonable to allow a child to stay in prison with its mother and the special provisions which must be in place in order to cater for the special needs of both mother and child. By focusing on individual case studies, LICADHO also aims to provide some findings about how the risks of prison life can be outweighed by the benefits of keeping children close to their mothers, providing they are under the age of three as stipulated in Cambodian law.

Children in Cambodian prisons are often forgotten by society. Worse still, they are too often ignored by the authorities responsible for them.

Children in Cambodian prisons are often forgotten by society. Worse still, they are too often ignored by the authorities responsible for them. Neither the General Department of Prisons (GDP) nor the Ministry of Social

¹ In Cambodia, there are currently no children living in prison with their fathers or other primary carers.

Affairs, Veterans & Youth Rehabilitation (MoSAVY) appear to have done any kind of research into the impact prison life has on the psychological and physical development of children.

Given the overall lack of research on this topic in Cambodia, LICADHO hopes that authorities and partner organizations will follow this initiative by taking steps to

better understand and promote the rights of mothers and children in prison, to review the decision making processes that lead to children accompanying their mother to prison and to assess the impact of imprisonment on children. LICADHO believes that as a first step, additional resources need to be allocated by the GDP and MoSAVY to organize and promote research on this important issue.²

Background



In July 2013 there were 51 children aged between one month and eight years living with their incarcerated mothers in the prisons monitored by LICADHO.³ Twelve of these children were over the age of three, contravening the December 2011 Prison Law which reduced the age limit of children allowed to stay in prison from the age of six to the age of three. This law also stipulates that children over the age of three should be the burden of MoSAVY if there is no custodian to take care of them outside of prison.⁴

It appears that some prison directors are unaware of, or simply ignore, this provision in the Prison Law. It may also be that some feel ill-equipped to remove a child from its mother once it has reached the age of three. Prison directors need the support of MoSAVY in this area, not only to lead the assessment of appropriate custodianship, but also to ensure that removal of a child from his or her incarcerated mother is carried out in a sensitive and time appropriate manner and only when suitable alternatives have been put in place.

To date no family assessment is known to have been done by any state authority to determine whether a child should live with its mother in prison or, in the case of a baby born whilst the mother is a prisoner, whether the child should stay with her in prison or not. In many cases the mother decides if her child will live with her in prison, and authorities rarely question this decision. Unfortunately, the mother's decision is not always guided by the best interests of the child.

Decisions to allow children under the age of three to stay with their mothers in prison should be based on full individual assessments and the best interests of the child.⁵ This means that GDP and MoSAVY should take family circumstances and alternative measures into account before automatically keeping a child in, or sending a child to prison.

In reality, these types of assessments never take place in Cambodia. Children can be sent to prison simply because they are present at the time of arrest, even if suitable alternatives are available, or a child may be sent to prison solely on the request of the mother with no consideration of the child's best interests.

There are many complex issues regarding children and prison, yet in Cambodia one thing is crystal clear - the Cambodian prison system is simply incapable of providing

In Cambodia one thing is crystal clear - the Cambodian prison system is simply incapable of providing for most of a child's basic needs, including education, family life, proper nutrition and medical care.

for most of a child's basic needs, including education, family life, proper nutrition and medical care. Children, isolated from the rest of the world and poorly nourished, often acquire severe developmental problems and have a difficult time adjusting to society once they leave prison.

As of September 2013, only four Cambodian prisons provided children with basic, on-site educational and recreational opportunities; all of these programs are run by NGOs. In fact, hardly any steps have been taken by authorities to improve the situation of children in prison and most efforts continue to be NGO-led.

Despite the fact that Cambodian prisons do not provide a child appropriate environment at all, pregnant women and women with children are seldom spared prison time – or pre-trial detention – in order to preserve the family unit. This is true even in cases of minor crimes, where diversion is likely to be a more effective criminal justice response than incarceration.

Of the 64 mothers and pregnant women in the prisons that LICADHO monitors as of July 2013, all but three were held on charges of drug trafficking, theft or prostitution. More than half of them were still in pre-trial detention.

² The undertaking of such research would be in line with Rule 68 of the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), adopted by the UN General Assembly (Resolution A/RES/65/29) in December 2010.

³ LICADHO, under its Adopt-A-Prison project, currently covers 15 prisons out of the 23 accommodating women in Cambodia, namely Battambang, Banteay Meanchey, Kampong Cham, Kampong Chhnang, Kampong Som, Kampong Thom, Kampong Speu, Koh Kong, Pursat, Svay Rieng, Siem Reap, Takhmao as well as CC2 and PJ in Phnom Penh. The population of these 15 prisons represents over 80% of the population of the 23 prisons holding women.

⁴ Law on Prisons, Article 41.

⁵ Bangkok Rules, 49 and 52 and Article 3 (1) of the UN Convention on the Rights of the Child.



Six year old boy in CC2 prison.

A Childhood Behind Bars



STUDY METHODS

With the help of the Child Development Center of the organization INDIGO⁶, Sokun (not his real name) attended an assessment in June 2013 to check on his psychological functioning, with a focus on the impact of his time in prison.

INDIGO conducted individual sessions with Sokun, as well as an interview with his mother in prison, with his teachers and with staff from the NGO Chibodia⁷. Sokun's mother, his carers and teachers also completed a Strengths and Difficulties Questionnaire (SDQ)⁸ about him. The Spence Children's Anxiety Scale (SCAS)⁹ was also utilized as a tool to assess Sokun's levels of anxiety.

Sokun's primary carer kept a record of his behavior after leaving prison and noted any significant incidents, both positive and negative. This was also used as a source of information for this case study.

All information and data concerning prisons are provided by LICADHO. A LICADHO prison researcher visited Phnom Penh's Correctional Center 2 (CC2) almost every week at the time Sokun lived there.

FAMILY BACKGROUND

Sokun's mother was 28 years old and seven months pregnant when she was arrested in January 2005 for human trafficking. She was sent to Kampong Cham prison, accompanied by her oldest son, who was six years old at the time. Sokun was born two months later, in March, in Kampong Cham Provincial hospital and transferred with his mother to Kampong Cham prison. Shortly after Sokun was born, his mother sent her older son to live with one of her brothers in Prey Veng, but they lost contact with each other. Sokun has never met his brother since and the mother hasn't received any news from him. Seven months later Sokun and his mother were sent to CC2, the only prison in Cambodia which holds only women and juveniles. The reasons they were transferred are unknown.

Sokun's mother's parents died when she was just three years old and it is unclear who raised her and her five brothers. Sokun's own father died in 2008 under unknown circumstances whilst attempting to cross the Cambodia/Thailand border.

⁶ For further information see <http://www.indigo-cambodia.com>

⁷ For further information see <http://www.chibodia.org>

⁸ An SDQ is a behavioral screening tool, specifically about children, which aims to provide an initial assessment of overall psychological well-being, including emotional state, evidence of hyperactivity, peer problems and levels of pro-social behavior.

⁹ For more information see <http://www.scaswebsite.com>

Sokun's Story

Sokun lived with his incarcerated mother in prison until he was six years and 10 months old - at that time Cambodian law allowed children to stay with their mother in prison until the age of six. With the help of LICADHO he has lived with the NGO Chibodia since January 2012, as his mother has no relatives who could take care of him while she serves the remainder of her 15-year sentence.

In prison, Sokun was often locked away for many hours a day in an overcrowded and hot prison cell. He lived in a violent and tense environment where fighting, gambling and cursing were commonplace. He was frequently hungry and lacked education and meaningful social interaction.

Together LICADHO and Chibodia undertook an assessment of the impact of these prison experiences on Sokun. This assessment was two-fold in purpose. Firstly it provided both organizations with essential insight about children in Cambodian prisons. Secondly, it provided Chibodia with specific recommendations for Sokun's future care. The latter recommendations are not included in this report for reasons of confidentiality and applicability.

Prison Conditions at CC2



CC2 is one of the most overcrowded prisons in Cambodia. At its peak, while Sokun lived there, it held 814 prisoners, operating at 271% of its estimated capacity of only 300 prisoners.

Until 2008, mothers living with their children in prison and pregnant women were housed amongst the general prison population and suffered the same squalid conditions as all other prisoners, living in dirty, overcrowded cells with limited ventilation and natural sunlight.

In 2008, the CC2 prison director moved all mothers with children and women more than five months pregnant out of the normal cells into the prison health post, the only alternative space available at the time.

This health post lies within the prison walls but is somewhat removed from the other cells and the main courtyard. The health post comprises four rooms, each approximately 9m² and a very small courtyard with outside toilets. There is one examination room, one for patients with infectious diseases, and two other rooms used for other patients, mothers with children and pregnant women.



The health post may have provided somewhat better living conditions than the ordinary cells, but there were clear concerns associated with moving the children and pregnant women into such close proximity to prisoners with infectious diseases. As a possible direct result of this move, two babies were infected with tuberculosis, which can be life threatening for small children. Both have been treated by an international NGO.

Between 2008 and January 2012, there were, on average, 13 children, 13 mothers and six pregnant women housed in the two rooms at the health center, as well as other female patients.

Even without taking into account additional female patients and the space needed for the children, this

translates to less than 1m² of living space per adult. At peak times there were as many as 19 children living with their mothers and up to ten pregnant women.

While international standards do not specify a minimum floor space or cubic area for inmates, the European Committee for the Prevention of Torture has recommended at least four square meters per inmate for cells with several prisoners.¹⁰ The International Committee of the Red Cross (ICRC) has stated that “even in exceptional crisis situations, the floor space in cells and dormitories must never be less than two square meters per person.”¹¹

In prison, Sokun spent many days in a daycare center, which is attached to the prison and run by an NGO. Here he was given additional food supplies and was able to play. But on days when the daycare center was closed and on weekends, he was only allowed outside the cell when the doors were unlocked for three hours in the morning and two hours in the afternoon. He spent the other 19 hours of each day in the hot and overcrowded cell.

Sokun did not talk much about his past. When he did, he would refer to prison as ‘the cage.’

In May 2013, 17 months after Sokun left the prison, two new buildings were inaugurated in CC2 specifically to house the pregnant women and women living there with their children. As a result, conditions for the women and children have now improved.

THE SCARS OF PRISON LIFE

During the INDIGO assessment, Sokun did not talk much about his past. When he did, he would refer to prison as “the cage.” This expression is underlined by the results of the SCAS, which shows a high score for the Sub-Scales Panic/Agoraphobia, meaning the fear of being in a place that one cannot leave easily. Being locked away for many hours of his life in a small, overcrowded cell appears to have had a huge impact on Sokun’s life and this still dominates his fears today.

Sokun still has vivid nightmares or even flashbacks from one particularly traumatic incident he witnessed in prison, the time when his mother had to cut down the dead body of a woman who had hung herself. His caregivers report that he still has severe panic symptoms related to this episode. These symptoms need to be monitored closely as, if they increase, they could indicate the development of a severe panic disorder.

¹⁰ http://www.coe.int/t/commissioner/viewpoints/070305_en.asp

¹¹ International Committee of the Red Cross, “Water, Sanitation, Hygiene and Habitat in Prisons,” Aug. 2005, p.21.

Sokun exhibited sexualized behavior when he first came to his new home and demonstrated a greater sexual knowledge than age appropriate. There were also incidents when he went to the bathroom with a girl and attempted to have sex with her. Staff felt that when they addressed him directly and explained why this was inappropriate behavior, he understood and responded well.

Sokun remembers seeing prisoners fighting over food and money and gambling in prison. This is reflected in the SCAS, which shows high results for Sub-Scale Physical Injury Fears, likely due to this risky and violent early environment in prison. These experiences are also reflected in his current behavior towards food and money.

Sokun's caregivers report that if others respond in an aggressive way towards him he will become fearful and physically shake.

Sokun recalls that he was often hungry and worried about food.¹² Today he reportedly steals food and money from his new home and from the community, even though he is aware of the negative consequences. He has also repeatedly convinced younger children to steal food for him at the children's center.

Sokun has positive memories from prison relating to the two friends he liked to play with. Tragically one of these friends drowned in a Phnom Penh river a few months after he left the prison. Sokun, who had left prison shortly before his friend, attended the funeral. This traumatic life event may explain why, to this day, Sokun is unable to name any particular friend at the children's home.

EDUCATION AND PEER RELATIONSHIPS

Sokun began to attend public school in Phnom Penh soon after he left prison, starting in pre-school with children two years his junior in order to catch up on the education he had missed while in prison. At first he clearly struggled in a more structured educational setting. He reportedly provoked his teachers as well as peers in order to get a reaction. He also experienced difficulties focusing in class, became disruptive and distracted his peers.

Today Sokun still gets easily distracted and needs additional prompting at school, but he is responding well and has learned to re-focus his attention. His general school performance and levels of education now match those of other children in his class, but at eight years old he is still attending preschool with younger children.

At the children's home, Sokun often plays by himself rather than engaging in play with his peers. When he does

play with other children, Sokun reportedly prefers to play with younger children and "to be the leader" in order to be able to control the play activities.

Based on the results of the SDQ, Sokun's mother and his caregivers at the children's home rate his difficulties in getting along with other children as very high. His teachers and caregivers also still score his behavioral difficulties as very high, especially his stealing and aggression.

Sokun still reportedly provokes and teases his peers, which often results in verbal and physical conflict, and it is common for him to shout and push other children. When fighting, Sokun appears to exhibit rougher, more aggressive behavior compared to other children his age. This is not surprising given the violence he was reportedly exposed to during his early years growing up in prison. Sokun's carers report that if others respond in an aggressive way towards him he will become fearful and physically shake.

Sokun also continues to show more aggressive behavior than is age appropriate and can be very self-defensive. He also knows more curse words and curses more often than his contemporaries.

MOTHER AND CHILD BONDING

Sokun appears to have bonded well with his mother, due to the fact that he was able to spend his first years of life with her in prison. This seems to have enabled him to develop basic pro-social skills.

Whilst his carers rate his "kind and helpful behavior" on the SDQ as slightly low and his mother and teacher rate this behavior close to average compared to other children his age, Sokun generally enjoys helping others, especially when this allows him to spend time with a person he likes. Furthermore Sokun takes care of children when they are hurt or upset and he becomes very concerned if he causes harm to another person. This indicates developed pro-social behavior and an appropriately developed sense of empathy.

These skills are most likely to have evolved through a secure attachment in early years. It would seem that Sokun's strong and secure attachment to his mother has been a protective factor, which enables him to form relationships today. He also demonstrates an appropriate wariness of strangers, and a good ability to trust new people once he has got to know them. It would appear that the strong bond with his mother gave him the chance to overcome some of his more traumatic prison experiences.

Sokun talks about his mother easily and with enthusiasm. He says that he misses her, worries about her a lot and enjoys visiting her. During holidays, he visits friends in the countryside. The mother of this family reports that Sokun still has trouble getting to sleep at night and often needs her to lie next to him and hold him,

¹² A 2009 sub-decree on 'prisoner food ration and cell equipment' regulates the budget per prisoner that prisons are supposed to receive. The daily budget allocated to each prisoner is 2.800 Riel (US\$ 0,70), and mothers are supposed to receive an additional 1,400 Riel (US\$ 0,35) per child per day. Often prisons do not receive the full amount provided for under the sub-decree. When they do receive the full amount, there is no guarantee that it will be spent on food for the prisoners.

an indication of missing his mother and the comfort she was able to provide him in prison.

CHILDREN'S HOME - LOOKING TO THE FUTURE

With the help of LICADHO, Sokun left CC2 in January 2012 and has since lived at a children's home in Kandal Province which currently houses 16 children aged six to 16. This home is supported by the NGO Moms against Poverty (MAP) and led by the German NGO Chibodia. The children visit public school and have several additional classes at the center. With LICADHO's help, Sokun is able to visit his mother in prison at least once a month.

At the INDIGO assessment, Sokun was asked to map out his life on paper. He drew a baby with a sad face and a happy picture depicting his new home, making it clear that he feels comfortable at his new home but that his past in prison will be always a burden for him.

When staff from INDIGO first met Sokun, he came across as a bright, friendly and charming boy, who communicated easily with adults. Throughout the assessment, Sokun proved himself capable of clearly expressing his wishes and needs while setting his own boundaries regarding, for instance, topics of conversation.

When Sokun first came to live at the children's home he appeared scared and overwhelmed. Sometimes he seemed to have too much energy, and there were problems getting him to sleep. It took some time before he became used to the new daily structure. Initially he also showed obvious behavioral problems, such as fighting, stealing and

sexualized behavior. While there have been improvements, some serious concerns remain.

Even though the strong bond to his mother enabled Sokun to develop some basic pro-social skills while living in prison, he still struggles with every day social interaction and demonstrates deviant behavior which clearly results from his prison experiences.

Sokun's strong attachment to his mother seems to have enabled him to develop trust and empathy skills that make it possible for him to trust and rely on other people, but Sokun's external social skills are not as developed as in other children his age. This may continue to cause problems for him in the future, particularly when it comes to making friends and fitting into the school structure.

Due to the caring, well-structured and stable environment at Chibodia's children home, Sokun has managed to overcome many challenges and has made great social and educational progress. His resilience is his great strength, and he has developed the ability to regulate his emotions and control his anger. Chibodia staff members are pleased with his progress and hopeful that he can move on from his traumatic prison experiences.

Sokun will be eligible for support from Chibodia at least until he finishes his public school education. When his mother is released from prison, Sokun could live with her again, if he wants, and if the mother is able to financially support him again in a stable surrounding.



A child visits his mother at Phnom Penh's CC2 prison.

Conclusion



Sokun's story underlines the critical importance of putting special measures in place when children are housed in prison with their mothers. The impact of his negative prison experiences provide a glimpse of what can happen when appropriate measures are lacking.

While non-custodial measures are preferable for pregnant women and those with dependent children, in Sokun's case this would have been an unlikely option given the nature of his mother's alleged crime. Alternative measures for his care would also have been difficult due to lack of suitable alternative custodianship.

Sokun left prison shortly after the introduction of the December 2011 Prison Law which reduced the age limit of children allowed to stay in prison from the age of six to the age of three. Legally, he should have left prison ten months sooner than he did. But compared to other children in prison, the timing and circumstances of his leaving prison were reasonable in the Cambodian context.

What Sokun's story underlines is the critical importance of putting special measures in place when children are housed in prison with their mothers. The impact of his negative prison experiences provide a glimpse of what can happen when appropriate measures are lacking.

A key principle guiding the management of children in prison with their mothers is that these children should never be treated as prisoners.¹³ A second key principle is that the child's environment should be as close as possible to that of a child outside prison.¹⁴

While negative experiences are an inevitable and unavoidable consequence of prison life for children, it is likely that, had these principles been followed, the lasting impact on Sokun would have been less serious.

If prison authorities at CC2 had followed these principles, Sokun would never have been housed amongst the general prison population in one of Cambodia's most problematic, overcrowded prisons. Prison authorities would have protected him from the worst aspects of prison life, including the violence and gambling he has described. Perhaps most significantly, he should never have been

witness to the aftermath of a prison suicide.

The decision to move all women with children and some pregnant women into the prison's health post was also ill-conceived. It was unfortunate for Sokun and his mother that they were not able to benefit from the new housing blocks in CC2 designed specifically for women



A boy living in CC2's health post enters the cell for sick prisoners.

with children and pregnant women.

There are undeniable benefits in allowing Cambodian children to live with their incarcerated mothers in prison, especially considering the inadequately developed Cambodian child-welfare system and the impoverished living standards of many Cambodians. These benefits include the reduced likelihood of children being abandoned or sent to inadequate shelters. Developmentally, the child can benefit from the continued nurturing of the mother-child relationship. However, the question of whether the benefits can outweigh the disadvantages can only be determined by a detailed case-by-case approach.

In Sokun's experience it appears that the positive opportunity to bond with his mother may have outweighed some negative experiences but it is still difficult to predict

¹³ Bangkok Rules, Rule 49.

¹⁴ Bangkok Rules, Rule 51 (2).

¹⁵ Fourteen is the age of criminal responsibility in Cambodia.

the potential long-term psychological effects upon him. It is of great concern that he still suffers nightmares and flashbacks, steals food and other small items and displays panic symptoms and unusual fears of physical injury.

Unfortunately prison staff in Cambodia lack the awareness and training needed to respond to the needs of pregnant women and women with children in prison, and there are no opportunities for a child's development to be monitored by specialists. Had such trainings and opportunities existed, some of Sokun's behavioral problems may have been identified, and possibly tackled, at an earlier stage.

A common concern for any child who has grown up in prison is that they might end up committing a crime themselves and be sent back to prison when they reach the age of criminal responsibility.¹⁵ Children like Sokun may not only have developed deviant behaviors whilst in prison, they may also consider prison, and the values they learned in prison, to be quite normal. Most likely they will also bear some stigma from their time in prison, resulting in their possible marginalization from mainstream society.

Whilst Sokun's prospects are good due to his close relationship with his mother and the stable and caring environment at Chibodia, his current tendencies to steal and his greater levels of physical aggression remain of concern in this light.

Sokun is fortunate to have had the help and support of responsible Cambodian NGOs in securing his exit from prison and his appropriate placement in safe custodianship. However, this responsibility should lie with MoSAVY, in conjunction with relevant NGOs where appropriate and necessary. In this MoSAVY needs not only the knowledge and resources, but also the political will to carry out its role fully and responsibly.



A boy and a pregnant woman receive gifts from a NGO at CC2 prison.

¹⁵ Fourteen is the age of criminal responsibility in Cambodia.

RECOMMENDATIONS

►►► Comprehensive, individual assessments

The GDP, together with MoSAVY, should assess the situation of each child to decide if it is better to separate the child from his or her incarcerated mother or if the child should live with her in prison. This assessment should be done – as it is standard in many other countries of the world – before the child enters prison. The same assessment should be done when a child is born while the mother is incarcerated in order to decide if and for how long the baby should stay in prison – or if the baby should stay at all. This assessment should take a holistic approach, considering the best interests of the child and the right of the child to development¹⁶ as well as the benefits of a continued mother-child relationship if the child stays with the mother in prison. The assessment should also consider the inadequately developed Cambodian child-welfare system and therefore the risks of abandoned children and inadequate shelters.

►►► Detailed guidelines

MoSAVY should, in cooperation with GDP, issue guidelines on how to proceed and enhance outside referrals and placements of children over the age of three who are still living in prison. This is necessary to ensure that any separation is managed and carried out in a sensitive and time-appropriate manner and only when suitable alternative care arrangements have been put in place.

The existing April 2006 policy on Alternative Care for Children in Cambodia provides a good framework, stating that the first choice of placement should be kinship care, then foster care and only then placement within a children's home.

►►► Supervised pre-trial release and non-custodial sentencing

In line with the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders ("Bangkok Rules") judicial authorities should identify women with dependent children – inside or outside prison – who are candidates for supervised pre-trial release and/or non-custodial sentences. Authorities should advocate to the judges and prosecutors to preserve family units where possible, so that children are not forced into prison with their mothers or left behind.

An emphasis should also be placed by authorities on women who enter prison pregnant. Supervised pre-trial release and/or non-custodial sentences for pregnant women would reduce the number of children living with their mothers in prison considerably.

►►► Training and awareness programs

Prison staff should receive training on child development and the health care needs of pregnant mothers and children so that they can respond appropriately in times of need and emergencies. Specialists should be allocated to monitor a child's development so that any problems can be identified at an early stage.

►►► More resources

GDP and MoSAVY should allocate additional resources in order to better understand and promote the rights of mothers and children in prison, to review the decision making processes that lead to children accompanying their mother to prison and to assess the impact of imprisonment on children.

►►► Share information and advice

GDP, MoSAVY, the Ministry of Health and the Ministry of Justice should step up and coordinate their efforts to share information and advise officials on the needs of pregnant women and children living with their mothers in Cambodian prisons.

►►► Increase budget

GDP should increase the budget as well as the allocation of resources for pregnant and breastfeeding women and children living with their mother in prison. This group has special requirements which should be taken into account budget wise.

¹⁶ UN Convention on the Rights of the Child, Article 6.